

Exhibit 1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LEON WEINGRAD,)	CASE NO. 2:25-CV-1843-MMB
)	
Plaintiff,)	JUDGE MICHAEL M. BAYLSON
)	
v.)	
)	
EXACT CARE PHARMACY, LLC,)	
)	
Defendant.)	

DECLARATION OF TODD DONNELLY

I, Todd Donnelly, state and declare as follows:

1. I am over the age of 18 and, unless stated otherwise herein, have personal knowledge of the matters set forth below.

2. I am the Senior Vice President, Compliance for Exact Care Pharmacy, LLC (“Exact Care”). I have been employed by Exact Care since 2014.

3. Exact Care is a medication management and pharmaceutical provider that specializes in helping people with complex medical needs overcome medication-related and chronic care challenges.

4. As part of its patient outreach initiatives, Exact Care receives referrals for new patients from several sources in various formats including health plans, providers, insurance plans, home health agencies, lead generating companies, and other referral services.

5. If a referral comes from one of the patient lead generating companies that Exact Care partners with, the individual’s documented consent to be called is captured and provided to Exact Care.

6. Exact Care received from its vendor evidence that consent to contact a phone number ending in -6495 (“Phone Number at Issue”) was expressly provided on December 12, 2024 from

an IP address ending in 3.160 via an online interest form. Specifically, the website URL to which the individual submitted the Phone Number at Issue and the information that the individual provided in connection with the online interest form is attached hereto as Exhibit A. The individual who completed the online form identified himself as Joseph Arnold.

7. The Phone Number at Issue was then called pursuant to the referenced express consent on February 27, 2025, March 6, 2025, and March 7, 2025. Copies of recordings of calls with the Phone Number at Issue on each of these dates are attached hereto as Exhibits B, C, D, E, and F. I have reviewed each of these call recordings.

8. On February 27, 2025, the Phone Number at Issue was called pursuant to the referenced express consent and an individual, presumably Mr. Weingrad, answered, yet he told the caller that his name is “Jill Herrala.” *See* Exhibit B, call recording with the file name 2/27/2025 Health Care Benefits Outbound Call. On the recording of this call, it appears that Mr. Weingrad (as “Jill”) answered questions regarding his medications, was informed he was eligible for medication delivery, and was told the call would be transferred to complete the process to sign up for home delivery of his medications. *Id.* At no point on the call did Mr. Weingrad object to the call or to the call being transferred. *Id.*

9. The call was then transferred. *See* Exhibit C, call recording with the file name 2-27-2025 Conversion Finder Call 4599287478. Despite what appears to be Mr. Weingrad on the phone, he again states that he is “Jill Herrala,” confirms his phone number is the Phone Number at Issue, and proceeds to talk with the woman on the line. *Id.* On a recording of this call, the woman on the line shares information with Mr. Weingrad regarding Exact Care’s services, including home delivery of medications, and indicated that she will ask a few questions to see if he qualifies for Exact Care’s services. *Id.* Mr. Weingrad (again posing as “Jill”) is then informed that he will be

connected with an Exact Care advisor who will review his medications with him and assist him in enrolling in Exact Care's services. *Id.* Before transferring the call to Exact Care, on the call recording the caller says "Do you, Jill, give permission to be transferred to Exact Care advisors to assist you in enrolling for the service? Please say yes and I will start the transfer." Mr. Weingrad (seemingly posing as "Jill") then says "yes." *Id.*

10. The call is then transferred to an Exact Care representative and Mr. Weingrad is provided information regarding Exact Care's services. *See* Exhibit D, call recording with the file name 2-27-2025_1254PM_CF Transfer to ECP. When he is informed that the caller can help him get signed up for Exact Care's services, in the call recording it appears that Mr. Weingrad says "yeah, can I give you a shout right back, I have someone banging on my door." *Id.* Mr. Weingrad then tells the Exact Care representative "I have your number right here. I'll call you. Thank you." *Id.* He then hangs up the phone. *Id.* Again at no point on the call did Mr. Weingrad object to the call. *Id.*

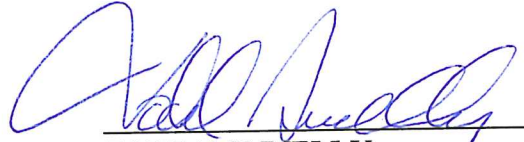
11. In light of the express consent to be contacted by Exact Care and expressed interest in Exact Care's services, an Exact Care representative called the Phone Number at Issue on March 6, 2025 and asked if "Jill" is still interested in signing up for Exact Care's services. *See* Exhibit E, call recording with the file name 3-6-2025_1202 PM_ExactCare Outbound Call. Someone, presumably Mr. Weingrad, states in a recording of this call that he is at work. *Id.* The caller replies that he can call back at a time that is more convenient. *Id.* Mr. Weingrad then states, per the call recording, "yeah, I have your number right here. I'll give you a shout back. I appreciate it." *Id.* Again at no point on the call did Mr. Weingrad object to the call. *Id.*

12. In light of Mr. Weingrad's expressed continued interest in Exact Care's services, an Exact Care representative called the Phone Number at Issue on March 7, 2025. *See* Exhibit F, call

recording with the file name 3-7-2025_1220PM_ExactCare Outbound Call. Mr. Weingrad then for the first time asked Exact Care to not call him. *Id.* Exact Care did not contact the Phone Number at Issue again.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13 day of June 2025.



TODD DONNELLY
Senior Vice President, Compliance
Exact Care Pharmacy, LLC